

2008 MAY 20 PM 3:59

PTO/SB/21 (04-07)

Approved for use through 09/30/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 10/074,687

Filing Date 2/11/2002

First Named Inventor CHEN

Art Unit 1615

Examiner Name Lakshmi S. Channavajjala

Attorney Docket Number 01235-22619.CIP

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ENCLOSURES (Check all that apply)

- ☒ Fee Transmittal Form
☒ Fee Attached
☐ Amendment/Reply
☐ After Final
☐ Affidavits/declaration(s)
☐ Extension of Time Request
☐ Express Abandonment Request
☐ Information Disclosure Statement
☐ Certified Copy of Priority Document(s)
☐ Reply to Missing Parts/
Incomplete Application
☐ Reply to Missing Parts
under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)
☐ Licensing-related Papers
☐ Petition
☐ Petition to Convert to a
Provisional Application
☐ Power of Attorney, Revocation
Change of Correspondence Address
☐ Terminal Disclaimer
☐ Request for Refund
☐ CD, Number of CD(s) _____
☐ Landscape Table on CD

- ☐ After Allowance Communication to TC
☐ Appeal Communication to Board
of Appeals and Interferences
☐ Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)
☐ Proprietary Information
☐ Status Letter
☒ Other Enclosure(s) (please identify
below):
Return Postcard
Check for \$850.00
Assertion of Large Entity Status

Remarks

05/21/2008 DALLEN 00000015 10074687

01 FC:1461

850.00 OP

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Thorpe North & Western, LLP		
Signature			
Printed name	David W. Osborne		
Date	May 14, 2008	Reg. No.	44989

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Judy Anderson	Date	May 14 2008

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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MAY 19 2008

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PTO/SB/17 (10-07)

Approved for use through 06/30/2010. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2008

Complete if Known

Application Number 10/074,687
 Filing Date 2/11/2002
 First Named Inventor CHEN
 Examiner Name Lakshmi S. Channavajjala
 Art Unit 1615
 Attorney Docket No. 01235-22619.CIP

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☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) \$850.00

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):

☒ Deposit Account Deposit Account Number: 20-0100 Deposit Account Name: Thorpe North & Western, LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	310	155	510	255	210	105	
Design	210	105	100	50	130	65	
Plant	210	105	310	155	160	80	
Reissue	310	155	510	251	620	310	
Provisional	210	105	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	210	105
Multiple dependent claims	370	185
Total Claims	Extra Claims	Fee (\$)
- 20 or HP =	x	=
HP = highest number of total claims paid for, if greater than 20.		
Indep. Claims	Extra Claims	Fee (\$)
- 3 or HP =	x	=
HP = highest number of independent claims paid for, if greater than 3.		

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets - 100 = Extra Sheets / 50 = Number of each additional 50 or fraction thereof x Fee (\$)

4. OTHER FEE(S)

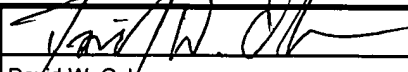
Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Assertion of Large Fee Status

Fees Paid (\$)

\$850.00

SUBMITTED BY

Signature  Registration No. (Attorney/Agent) 44989 Telephone (801) 566-6633
 Name (Print/Type) David W. Osborne Date May 14, 2008

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re application of:

Chen, et al.

Serial No.: 10/074,687

Art Unit: 1615

Filing Date: February 11, 2002

Title: PHARMACEUTICAL
FORMULATIONS AND SYSTEMS
FOR IMPROVED ABSORPTION
AND MULTISTAGE RELEASE
OF ACTIVE AGENT

Attorney Docket No.: 01235-22619.CIP



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ASSERTION OF LARGE
ENTITY STATUS AND
ITEMIZATION AND PAYMENT
OF DEFICIENCY

Commissioner of Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Dear Sir:

The applicant asserts that as of May 25, 2004 the above listed patent is no longer entitled to small entity status and that this communication should act as notification of such as required under 37 C.F.R. §1.27(g)(2). It is further asserted that the paying of small entity fees subsequent to the above listed date was an error which was made in good faith. Accordingly, a check for \$720.00 is included herewith and is believed to correct all deficiencies owed with respect to this patent application.

The deficiency owed was calculated based on the guidelines set forth in 37 C.F.R. §1.28(c)(2)(i) and an itemization of the deficiency as required under 37 C.F.R. §1.28(c)(2)(ii) is set forth below.

Itemization of Deficiency Payment

Type of Fee Paid	One-Month Extension of Time	Terminal Disclaimer	Utility Issue Fee
Current Fee Amount for Non-Small Entity	\$120.00	\$130.00	\$1440.00
Small Entity Fee Paid	\$55.00	\$65.00	\$720.00
Date of Payment of Small Entity Fee	Sept. 13, 2004	Oct. 31, 2007	April 7, 2008
Deficiency Owed for each fee	\$65.00	\$65.00	\$720.00
Total Deficiency Owed	\$850.00		

DATED this 14th day of May, 2008.

Respectfully submitted,



David W. Osborne
 ATTORNEY FOR APPLICANT
 REGISTRATION NO. 44,989
 THORPE NORTH AND WESTERN
 8180 S. 700 E., Suite 350
 Sandy, UT 84070

DO/SS:ja